

EXHIBIT

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From: George, Robert W. [mailto:Robert.George@KutakRock.com]
Sent: Wednesday, January 24, 2007 9:42 AM
To: Richard Garren
Cc: Bob Nance; David Page; David Riggs; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fred Baker; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Randall Miller; Robert Singletary; Sharon Gentry; Sharon Weaver; Trevor Hammons
Subject: RE: July 10, 2006 production requests

Rick,

Thank you for your e mail

We have produced documents to the State on three separate occasions thus far in this case - June 2006, October 2006 and January 2007. Many of these documents, including documents produced as part of Tyson's initial disclosures, are responsive to the State's July 10, 2006 document requests. In fact, if you review Tyson's narrative responses to the July 10, 2006 document requests you will see in many instances references to the grower files, company policies, settlement statements, flock profile reports, flock transfer reports, manuals, feed formulas, organizational charts, financial records and other documents included in these three productions. Using Tyson Chicken's responses to the July 10, 2006 documents requests as an example, I would refer you to Response Nos. 1, 2, 6, 14, 39, 40, 42, 43, 45, 46, 48, 52, 58, 60, 63, 66, 68, 72, 77, 79, 81, 83, 85, 86, 105, 107, 108, 109, 110, 112 and 125. In light of this record, I would take issue with your statement that Tyson's production to date is "at best responsive to the first document request" and that "no other substantive materials have been produced." That clearly is not true.

As for the status of Tyson's production of documents responsive to the 500 document requests served on my clients, I agree that it is incomplete. We have been reviewing and producing documents under these requests as quickly as we can. I have been very up front with you about that. In fact, in my January 8, 2007 letter accompanying the last installment of documents, I advised you that "other documents responsive to the State's July 10, 2006 Requests for Production are in the process of being reviewed. We anticipate completing that review and producing additional documents in February, 2007." This statement is still true. You should anticipate that the February 2007 document production will be accompanied by supplemental narrative responses to homogenize our prior responses with the reality of what has been produced.

I also feel compelled to point out that your demand for "a date in certain when the document production will be completed" is improper. The Tyson defendants, and the State for that matter, have a continuing duty under the Federal Rules to supplement discovery responses throughout the case with any information or documents identified after the original production. Clearly the State recognizes this as it has been engaged in its own "rolling production" of documents for over a year now and has never committed to a date on which its document production will be complete.

If you have specific issues with our document production to date or if disagreements remain after our supplemental responses in February, 2007, we are more than willing to discuss and try to resolve any concerns.

From: Richard Garren [mailto:RGarren@riggsabney.com]
Sent: Wednesday, January 24, 2007 7:52 AM
To: George, Robert W.
Cc: Bob Nance; David Page; David Riggs; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fred Baker; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Randall Miller; Richard Garren; Robert Singletary; Sharon Gentry; Sharon Weaver; Trevor Hammons
Subject: July 10, 2006 production requests

Robert,

In follow up to the July 10, 2006 document request made by the state I need a date in certain when the document production will be completed along with any supplemental responses necessitated from our meet and confer. I trust that date will be prompt. The production so far to date could be considered responsive to the

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first set of interrogatories for the most part and at best responsive to the first document request issued July 10, 2006 calling for grower file information. Other than that no substantive materials have been produced by the defendant Tyson entities (including Cobb Vantress). It is beyond belief that Tyson who continually professes to know so little about this case but who has such a history of poultry production world wide (including multiple defenses to pollution related claims) does not have information relevant to the requests. You discussed the concept of "rolling" production however the grower file data produced in December coupled with the largely generic list of objections can hardly indicate anything is rolling at this stage. Continued failure to respond to the document production leads me no alternative but to seek assistance from the court. Your prompt cooperation on this matter will be appreciated.

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